

**Before the State of South Carolina  
Department of Insurance**

In the matter of:

Johanna M. Brooks

Post Office Box 410  
Pelion, South Carolina 29123

SCDOI File Number 119615

**Consent Order Revoking  
Resident Producer's License**

This matter comes before me pursuant to an agreement entered into between the State of South Carolina Department of Insurance and Johanna M. Brooks, an insurance producer licensed to transact business in the State of South Carolina.

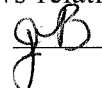
Ms. Brooks acknowledges that she failed to forward \$4,257.07 in premiums received from various consumers to Liberty Life Insurance Company. Brooks contends that during the time in question she was ill, suffering from depression. Nevertheless Brooks failed in her fiduciary responsibilities to the insurer. This is a direct violation of § 38-43-130 (3) of the South Carolina Code which states that the Director of Insurance may revoke the license of a producer when he has deceived or dealt unjustly with the citizens of this State.

Prior to the initiation of any administrative proceedings by the Department against Ms. Brooks, the parties agreed to submit the entire matter to me, along with their specific recommendation, for my summary decision, rather than to proceed toward a formal public hearing. **The consensual recommendation was that Johanna M. Brooks would voluntarily surrender her license for revocation.**

In accordance with my findings of fact, I now conclude, as a matter of law, that Ms. Brooks has willfully deceived and dealt unjustly with a citizen of this State, thereby violating S.C. Code Ann. § Section 38-43-130 (as amended).

This administrative disciplinary order is a public record subject to the disclosure requirements of the State of South Carolina's *Freedom of Information Act*, S.C. Code Ann. §§ 30-4-10, *et seq.* (1991 and Supp. 2000).

Nothing contained within this administrative order should be construed to limit, or to deprive any person of, any private right of action under the law. Nothing contained within this administrative order should be construed to limit, in any manner, the criminal jurisdiction of any law enforcement officer or judicial officer. Nothing contained within this administrative order should be construed to limit the statutory duty, of the Director of Insurance, exercised either directly or through the Department of Insurance, to "report to the Attorney General or other appropriate law enforcement officials criminal violations of the laws relative to the business of

 Johanna M. Brooks

insurance or the provisions of this title which he considers necessary to report.” S.C. Code Ann. § 38-3-110 (as amended).

It is, therefore, ordered that the license of Johanna M. Brooks to do business as a resident insurance producer within the State of South Carolina be, and is hereby, revoked and that no license, issued through the State of South Carolina Department of Insurance is to be issued to Johanna M. Brooks thereafter.

It is further ordered that a copy of this consent order be immediately transmitted to the National Association of Insurance Commissioners for distribution to its member states and to each insurer for which Johanna M. Brooks is currently licensed, through the State of South Carolina Department of Insurance, as a resident insurance producer.

This consent order becomes effective as of the date of my signature below.

*April 14*  
~~March 26<sup>th</sup>~~, 2005  
Columbia, South Carolina

*Eleanor Kitzman*  
Eleanor Kitzman  
Director

I CONSENT:

*Johanna Brooks*  
\_\_\_\_\_  
Signature

Johanna M. Brooks  
Post Office Box 410  
Pelion, South Carolina 29123

Dated this 26<sup>th</sup> day of March 2005.

*JB* Johanna M. Brooks